

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Whitney Beber	Team: Squad #2	CCRB Case #: 201609365	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/09/2016 4:45 PM, Tuesday, 12/20/2016	Location of Incident: Beach 75th Street and Beach Channel Drive	Precinct: 100	18 Mo. SOL 5/9/2018	EO SOL 5/9/2018	
Date/Time CV Reported Thu, 11/10/2016 12:39 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 11/10/2016 12:39 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Patrick Ceriello	21328	954624	100 PCT
2. POM Ryan Pretty	06268	944908	100 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Andrew Ronan	8395	956218	100 PCT
2. POM David Black	11895	955757	100 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ryan Pretty	Abuse: Police Officer Ryan Pretty stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
B.POM Patrick Ceriello	Abuse: Police Officer Patrick Ceriello stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
C.POM Ryan Pretty	Off. Language: Police Officer Ryan Pretty made remarks to § 87(2)(b) based upon race.	[REDACTED]
D.POM Ryan Pretty	Abuse: Police Officer Ryan Pretty refused to provide his shield number to § 87(2)(b)	[REDACTED]
E.POM Patrick Ceriello	Abuse: Police Officer Patrick Ceriello refused to provide his name and shield number to § 87(2)(b)	[REDACTED]

Case Summary

On November 10, 2016, § 87(2)(b) filed the following complaint with the Civilian Complaint Review Board (CCRB) via the online website (Board Review 07). On November 14, 2016, § 87(2)(b)'s mother, § 87(2)(b) who was not present for the incident, filed a complaint with the CCRB via the online website regarding the same incident (Board Review 08). On November 14, 2016, the case was assigned to Investigator Monique West. On November 15, 2016, § 87(2)(b) accepted mediation and the case was forwarded to the Mediation Unit. The NYPD rejected mediation and the case was returned to the Investigation Unit. On December 20, 2016, the case was reassigned to Investigator Whitney Beber.

On November 9, 2016, at approximately 4:45 p.m., § 87(2)(b) was driving east on Beach Channel Drive, with his § 87(2)(b)-old brother § 87(2)(b) § 87(2)(b) and his § 87(2)(b)-old brother § 87(2)(b) in the car, when he was stopped by Police Officer Ryan Pretty and Police Officer Patrick Ceriello, both of the 100th Precinct, at Beach 75th Street and Beach Channel Drive in Queens (**Allegations A and B**). § 87(2)(b) alleged that Police Officer Pretty addressed him by name and referred to him as a “nigger activist” and a “nigger saver,” in addition to other uses of the word “nigger” in sentences and contexts that § 87(2)(b) could not recall (**Allegation C**). § 87(2)(b) asked for Police Officer Pretty’s shield number, which he did not provide (**Allegation D**). Police Officer Ceriello asked § 87(2)(b) for his license, registration and insurance. § 87(2)(b) provided his information to Police Officer Ceriello and asked for his name and shield number. § 87(2)(b) alleged that Police Officer Ceriello did not provide his name and shield number verbally but told § 87(2)(b) that it would be on the summons (**Allegation E**). Police Officer Ceriello issued § 87(2)(b) two summonses for driving with an obstructed windshield view and illegal tints (Board Review 01).

No video footage was found that captures the incident.

Mediation, Civil and Criminal Histories

- The case was sent to the Mediation Unit on November 15, 2016. Mediation was rejected by the NYPD’s Department Advocates Office and the case was returned to the Investigation Unit on December 9, 2016.
- A Notice of Claim search was requested from the New York City Comptroller’s Office on January 24, 2017, and the results will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b) has one prior CCRB complaint and one complaint filed after this case (Board Review 03). § 87(2)(b)
- § 87(2)(b) has no prior CCRB complaints (Board Review 05).
- Police Officer Pretty has been a member of the NYPD for nine years and has eight prior CCRB allegations against him in three cases with no substantiations. Police Officer Pretty has one prior CCRB offensive language allegation against him in case number

201608406 in which he is alleged to have also used the word “nigger.” This case is awaiting review by the Board Panel Number 1B-2017.

- Police Officer Ceriello has been a member of the NYPD for three years and has two prior CCRB allegations against him in two cases no substantiations (see officer history). § 87(2)(g)

§ 87(2)(g)

Potential Issues

Prior to this incident Police Officer Pretty and § 87(2)(b) had a prior interaction in which Police Officer Pretty arrested § 87(2)(b). Likewise, Police Officer Ceriello and § 87(2)(b) had prior interactions with Police Officer Ceriello in which Police Officer Ceriello arrested § 87(2)(b).

Police Officer David Black and Police Officer Andrew Ronan, of the 100th Precinct, arrived while the incident was occurring to provide a tint scanner to Police Officer Ceriello and Police Officer Pretty. Police Officers Ceriello and Pretty stated that Police Officer Ronan and Police Officer Black left as soon as they provided the tint meter and that they never exited their vehicle. § 87(2)(b) and § 87(2)(b) stated that they never interacted with the officers who provided the tint meter and never saw them exit their vehicle. § 87(2)(g)

§ 87(2)(b) was not present for the incident and filed her complaint on the basis of what her son had told her. No statement was therefore obtained from her.

§ 87(2)(b) believed that he was racially profiled by officers during this incident. § 87(2)(g)

§ 87(2)(b)

Findings and Recommendations

Allegations not pleaded

- § 87(2)(b) stated in his initial online complaint that Police Officer Pretty said that he would pull § 87(2)(b)'s “black ass” out of the car. § 87(2)(b) did not mention this use of offensive language during in his telephone statement or his initial narrative during his in-person interview. After being directly questioned by the investigators during his in-person interview about the allegation that he had made in his initial complaint but not in his subsequent statement, § 87(2)(b) stated that Police Officer Pretty may have said something to the effect of “I’ll pull you out of the car,” but he did not recall the context of it. Neither of his brothers heard any such statement. § 87(2)(g)

Allegation A –Abuse of Authority: Police Officer Ryan Pretty stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation B –Abuse of Authority: Police Officer Patrick Cieriello stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) filed his written complaint via the CCRB online website on November 10, 2016 (Board Review 07). On November 15, 2016, § 87(2)(b) provided a telephone statement to the CCRB (Board Review 06). On December 20, 2016, § 87(2)(b) and § 87(2)(b) were interviewed at the CCRB. On January 11, 2017, Police Officer Pretty was interviewed at the CCRB. On January 12, 2017, Police Officer Cieriello was interviewed at the CCRB.

It is undisputed that § 87(2)(b) was driving his brothers, § 87(2)(b) and § 87(2)(b) home from school when Police Officer Pretty and Police Officer Cieriello stopped his vehicle and issued two summonses for driving with an obstructed windshield view and excessive tints.

§ 87(2)(g)
[REDACTED]

Allegation C –Offensive Language: Police Officer Ryan Pretty made remarks to § 87(2)(b) based upon race.

As per § 87(2)(b) upon approaching the car, Police Officer Pretty addressed him by name and asked, “Did you know the tints are dark?” Police Officer Pretty then said “Isn’t this the nigger activist?” while speaking to § 87(2)(b). § 87(2)(b) did not respond. § 87(2)(b) stated that Police Officer Pretty made other comments using the word, “nigger,” more than two more times, although he did not remember the specific phrases in which Police Officer Pretty used the word. In his telephone statement § 87(2)(b) stated that Police Officer Pretty also referred to him as a “nigger saver.”

As per § 87(2)(b) when Police Officer Pretty first approached the car, he asked § 87(2)(b) some questions including where he was going. § 87(2)(b) then addressed Police Officer Pretty by his name, and asked Police Officer Pretty, “What are you doing over here?” Police Officer Pretty called § 87(2)(b) “all sorts of names,” and “threatened him.” § 87(2)(b) heard Police Officer Pretty used the word “nigger” repeatedly while speaking to § 87(2)(b) but § 87(2)(b) did not remember the specific sentences or contexts in which it was used.

As per § 87(2)(b) when the two officers approached the § 87(2)(b)’s car, he heard one of the officers use the word “nigger” only once while speaking to § 87(2)(b) but he did not remember the sentence or context in which the officer used the word “nigger.”

According to Police Officer Pretty, he and Police Officer Cieriello were driving east on Beach Channel Drive when they saw a 2011 gray Nissan with excessive tints. They activated their lights and sirens and stopped the car. Police Officer Cieriello approached on the driver's side and Police Officer Pretty approached on the passenger's side of the car. Through the open windows of the car, Police Officer Pretty observed the rear passenger move his hand from his lap to underneath him. Police Officer Pretty asked him to put his hands back in his lap. § 87(2)(b) asked, "Is that Officer Pretty?" and stated, "Police Officer Pretty, it's you again." Police Officer Pretty replied, "Yes it is." Police Officer Pretty did not have any further conversation with § 87(2)(b). Police Officer Pretty did not call § 87(2)(b) a "nigger activist" or use the word "nigger" at any point when speaking to § 87(2)(b).

§ 87(2)(g) Police Officer Cieriello stated that Police Officer Pretty never said to § 87(2)(b) "Nigger activist," or ever used the word "nigger."

§ 87(2)(g)
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§ 87(2)(g).

Allegation D –Abuse of Authority: Police Officer Ryan Pretty refused to provide his shield number to § 87(2)(b)

Allegation E –Abuse of Authority: Police Officer Patrick Cieriello refused to provide his name and shield number to § 87(2)(b)

It is undisputed that Police Officer Pretty never provided his shield number to § 87(2)(b) § 87(2)(g). § 87(2)(b) it is undisputed that § 87(2)(b) requested Police Officer Cieriello's name and shield number, § 87(2)(g) § 87(2)(g).

§ 87(2)(b) consistently stated that he asked for Police Officer Pretty's shield number. § 87(2)(b) did not recall Police Officer Pretty's specific response, but consistently stated that Police Officer Pretty did not provide his shield number and continued to make "derogatory" comments that § 87(2)(b) did not specifically remember. A few minutes later after Police Officer Cieriello asked for § 87(2)(b)'s license and registration, which he provided, § 87(2)(b) asked Police Officer Cieriello for his name and shield number. Police Officer Cieriello did not provide his name and shield number verbally but stated that it would be on the summons he would issue to § 87(2)(b).

As per § 87(2)(b) Police Officer Cieriello spoke to him while Police Officer Pretty spoke to § 87(2)(b) § 87(2)(b) recognized Police Officer Cieriello as an officer who had arrested him a year prior. Police Officer Cieriello said to § 87(2)(b) "Oh you didn't do any time for that?" and shined his flashlight in § 87(2)(b)'s face. As this occurred, § 87(2)(b) heard § 87(2)(b) ask

Police Officer Pretty for his shield number and Police Officer Pretty reply that he “wasn’t giving § 87(2)(b) anything.” After speaking to § 87(2)(b) Police Officer Ceriello asked § 87(2)(b) for his ID, which he provided, § 87(2)(b) then asked for Police Officer Ceriello’s name and shield number. Police Officer Ceriello provided § 87(2)(b) his name and shield number verbally.

§ 87(2)(b) did not remember § 87(2)(b) ask for either police officer’s name or shield number, nor did he remember hearing either officer provide their name and/or shield number. He, however, acknowledged that he was not paying attention to the conversations between his brothers and the officers and was instead checking Facebook on his phone.

Police Officer Pretty stated that § 87(2)(b) never asked for his shield number and that he did not provide it. Police Officer Pretty heard § 87(2)(b) ask Police Officer Ceriello for his name and shield number, which he provided verbally.

Police Officer Ceriello stated that § 87(2)(b) asked for his name and shield, and that he provided his name and shield number verbally, and that when he did so § 87(2)(b) grabbed a piece of paper and wrote his information down. Police Officer Ceriello also stated that when he issued § 87(2)(b) the summonses he informed § 87(2)(b) that that his name and shield number was written on the summons. Police Officer Ceriello never heard § 87(2)(b) request Police Officer Pretty’s shield number or hear Police Officer Pretty provide his shield number to § 87(2)(b).

Summons numbers § 87(2)(b) and § 87(2)(b) depict Police Officer Ceriello’s name and shield number in addition to his tax ID number on the summons. The shield number is written next to Police Officer Ceriello’s legible name (Board Review 01).

Patrol Guide section 203-09, states that NYPD officers are to courteously and clearly state their rank, name, shield number and command, or otherwise provide to anyone who requests them to do so (Board Review 04).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
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Squad:

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date